

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: JAMES C. WESEMAN  
THE LAW OFFICES OF JAMES C. WESEMAN  
401 WEST A STREET, SUITE 1600  
SAN DIEGO, CALIFORNIA 92101

## PCT

### NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing (day/month/year) <b>28 SEP 1999</b>			
Applicant's or agent's file reference <b>P00182W00</b>		<b>IMPORTANT NOTIFICATION</b>	
International application No. <b>PCT/US98/14481</b>	International filing date (day/month/year) <b>13 JULY 1998</b>	Priority Date (day/month/year) <b>14 JULY 1997</b>	
Applicant <b>RAJU, G. GANGA</b>			

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer <b>M. MOEZIE</b> Telephone No. (703) 308-1235
Facsimile No. (703) 305-3230	<b>JOYCE BRIDGERS</b> <b>PARALEGAL SPECIALIST</b> <b>CHEMICAL MAT.</b> 

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P00182WO0	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US98/14481	International filing date ( <i>day/month/year</i> ) 13 JULY 1998	Priority date ( <i>day/month/year</i> ) 14 JULY 1997
International Patent Classification (IPC) or national classification and IPC IPC(6): A61K 31/34, 31/19 and US Cl.: 514/473, 574		
Applicant RAJU, G. GANGA		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  08 FEBRUARY 1999	Date of completion of this report  20 SEPTEMBER 1999
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231  Facsimile No. (703) 305-3230	Authorized officer  M. MOEZIE  Telephone No. (703) 308-1235  JOYCE BRIDGERS PARALEGAL SPECIALIST CHEMICAL MATTER 

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/14481

## I. Basis of the report

1. This report has been drawn on the basis of *(Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments):*

☒ the international application as originally filed.

☒ the description, pages 1-12 , as originally filed.

pages NONE , filed with the demand.

pages NONE , filed with the letter of \_\_\_\_\_.

pages \_\_\_\_\_ , filed with the letter of \_\_\_\_\_.

☒ the claims, Nos. 1-20 , as originally filed.

Nos. NONE , as amended under Article 19.

Nos. NONE , filed with the demand.

Nos. NONE , filed with the letter of \_\_\_\_\_.

Nos. \_\_\_\_\_ , filed with the letter of \_\_\_\_\_.

☒ the drawings, sheets/fig NONE , as originally filed.

sheets/fig NONE , filed with the demand.

sheets/fig NONE , filed with the letter of \_\_\_\_\_.

sheets/fig \_\_\_\_\_ , filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

☒ the description, pages NONE .

☒ the claims, Nos. NONE .

☒ the drawings, sheets/fig NONE .

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the ~~Supplemental Box~~ Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/14481

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-20</u>	NO
Industrial Applicability (IA)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-20 meet the criteria set out in PCT Article 33(2), because the prior art does not teach the claimed hydroxycitric acid compositions and methods of treatment.

Claims 1-20 meet the criteria set out in PCT Article 33(4), because the claimed hydroxycitric acid compositions and methods of treatment have industrial applicability in the pharmaceutical art.

Claims 1-20 lack an inventive step under PCT Article 33(3) as being obvious over MOFFETT et al.

The prior art teaches that anorectic and/or food, snack hydroxycitric acid compositions containing hydroxycitric acid in free form, salt forms, e.g., calcium, sodium, potassium etc., and lactone forms, are known in the art. See, e.g., the abstract, columns 1-2, column 4, lines 39-51 and the claims therein.

The instant claims differ primarily in that they are drawn to specified amounts or percentages of each of the forms of hydroxycitric acid. One of ordinary skill would have found it obvious to employ hydroxycitric acid in simple salt forms since these forms contain the known anorectic active, hydroxycitric acid, and would therefore be reasonably expected to be useful in an anorectic, food composition, similar to any other known form of hydroxycitric acid. The optimization of amounts of each hydroxycitric acid form present is considered within the skill of the artisan. Further, the formation of particular simple salt forms of a known active compound is considered within the skill of the artisan.

----- NEW CITATIONS -----  
NONE